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APPLICATION NO. \	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, CHRYSTINE

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,274

Applicant(s)

KUNISETTY ET AL.

Examiner

Chrystine Pham

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to application 10/051274 filed on January 22<sup>nd</sup> 2002. Claims 1-8 are presented for examination.

***Priority***

2. Priority date of June 1<sup>st</sup> 2001 has been considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Friesen (US 6636863), hereinafter, *Friesen*.

**Claim 1**

*Friesen* teaches a method of compiling a page containing markup text (e.g., see web page 10 FIG.1 & associated text) into an application (e.g., see shopping cart frame 12 FIG.1 & associated text; see JAVA applet, Active X object col.5:35-67; see code, frame, web page col.11:30-col.12:40) that outputs markup (e.g., see shopping cart frame 12 FIG.1 & associated text; col.5:35-47; see col.6:60-col.7:10; see applet col.15:10-45; see frame col.16:19-20) in response to a request from a user (e.g., see items for sale, selected, added, purchaser, decreasing the quantity of an item, submitting a final order col.5:23-47; see operator, finalize a purchase col.6:50-60; see workstation 36 FIG.2 & associated text; see request col.17:37-42), said method comprising:

- **pre-initializing a static variable of a class to contain the markup text** (e.g., see *shopping cart, identities, prices, static variables* col.3:30-40; see *class ShopPanel, variables* col.15:10-col.16:6; see *app.class, Constants.class* col.17:37-52; see *Constants.class, Vector class, item ID, item price* col.18:40-50; see *static String variable* col.19:48-50); and
- **loading the class containing the pre-initialized static variable into a shared, read-only memory** (e.g., see *programs, web pages, memory, subsequent use, shopping cart, first web page* col.2:67-col.3:15; see *update.txt, 'itemPrice', cache* col.10:11-37; see *Constants.class, Vector class, item ID, item price* col.18:40-50; see *static String variable* col.19:48-50).

#### **Claim 2**

The rejection of base claim 1 is incorporated. *Friesen* further teaches **storing the markup text in a resource file associated with the application** (e.g., see *MICROSOFT ACCESS, update.txt* col.10:10-29; see *update.txt, Constants.class* col.19:48-50).

#### **Claim 3**

The rejection of base claim 1 is incorporated. *Friesen* further teaches **wherein the step of pre-initializing the static variable includes the step of:**

- **reading the markup text from the resource file** (e.g., see *programs, web pages, memory, subsequent use, shopping cart, first web page* col.2:67-col.3:15; see *shopping cart, static variables* col.3:30-40; see *frame, static variables, ShopPanel, shopping cart* col.16:19-61; see *size, sales Vector, Constants.class* col.18:60-65); and
- **initializing the static variable of the class based on the read markup text** (e.g., see *shopping cart, static variables* col.3:30-40; see *frame, static variables, ShopPanel, shopping cart* col.16:19-61; see *instantiate the shopping cart frame* col.18:60-65).

#### **Claim 4**

The rejection of base claim 1 is incorporated. *Friesen* teaches **a computer-readable medium** (e.g., see *memory 44* FIG.2 & associated text) **bearing instructions** (e.g., see *browser application 50* FIG.2 & associated text) **that, when executed, cause one or more processors** (e.g., see *software engine 52, processor 40* FIG.2 & associated text; see *JVM* col.6:25-40) **to perform the method according to claim 1** (e.g., see *software engine 52, processor 40* FIG.2 & associated text; see *JVM, programs, applets, web pages* col.6:25-46).

#### **Claim 5**

*Friesen* teaches **a method of compiling a page containing markup text** (e.g., see *web page 10* FIG.1 & associated text) **into an application** (e.g., see *shopping cart frame 12* FIG.1 & associated text; see *JAVA applet, Active X object* col.5:35-67; see *code, frame, web page* col.11:30-col.12:40) **that outputs markup** (e.g., *shopping cart frame 12* FIG.1 & associated text; col.5:35-47; see col.6:60-col.7:10; see *applet* col.15:10-45; see *frame* col.16:19-20) **in response to a request from a user** (e.g., see *items for sale, selected, added, purchaser, decreasing the quantity of an item, submitting a final order* col.5:23-47; see *operator, finalize a purchase* col.6:50-60; see *workstation 36* FIG.2 & associated text; see *request* col.17:37-42), **said method comprising:**

- **generating instructions for the application** (e.g., see *\_browser application 50* FIG.2 & associated text), **borne on a computer-readable medium** (e.g., see *memory 44* FIG.2 & associated text), **said instructions that, when executed, cause one or more processors to perform** (e.g., see *software engine 52, processor 40* FIG.2 & associated text; see *JVM* col.6:25-40; see *software engine 52, processor 40* FIG.2 & associated text; see *JVM, programs, applets, web pages* col.6:25-46) **the steps of:**
- **in one time the application is executed, loading the class containing a static variable into a shared, read-only memory, said static variable being pre-initialized to contain the markup text** (e.g., see *programs, web pages, memory, subsequent use, shopping cart, first web page* col.2:67-col.3:15; see *update.txt, 'itemPrice', cache* col.10:11-37; see *Constants.class, Vector class, item ID, item price* col.18:40-50; see *static String variable* col.19:48-50; see *shopping cart, identities, prices, static variables* col.3:30-40; see *class ShopPanel, variables* col.15:10-col.16:6; see *app.class, Constants.class*

col.17:37-52; see *Constants.class*, *Vector class*, *item ID*, *item price* col.18:40-50; see *static String variable* col.19:48-50); and

- o **in subsequent time the application is executed, accessing the markup text in the shared, read-only memory (i.e., class is not loaded into the shared, read-only memory in the subsequent time the application is executed) (e.g., see *programs*, *web pages*, *memory*, *subsequent use*, *shopping cart*, *first web page* col.2:67-col.3:15; see *shopping cart*, *static variables* col.3:30-40; see *frame*, *static variables*, *ShopPanel*, *shopping cart* col.16:19-61; see *size*, *sales Vector*, *Constants.class* col.18:60-65);**

#### **Claim 6**

The rejection of base claim 5 is incorporated. Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.

#### **Claim 7**

*Friesen* teaches a **computer-readable medium** (e.g., see *memory 44* FIG.2 & associated text) **bearing instructions** (e.g., see *browser application 50* FIG.2 & associated text) **that, when executed, cause one or more processors** (e.g., see *software engine 52*, *processor 40* FIG.2 & associated text; see *JVM* col.6:25-40) **to perform the method according to claim 5** (see claim 5).

#### **Claim 8**

*Friesen* teaches a **computer-readable medium** (e.g., see *memory 44* FIG.2 & associated text) **bearing instructions for producing markup based on static markup text** (e.g., see *browser application 50* FIG.2 & associated text; see *web page 10* FIG.1 & associated text; see *shopping cart frame 12* FIG.1 & associated text; col.5:35-47; see col.6:60-col.7:10; see *applet* col.15:10-45; see *frame* col.16:19-20) **said instruction arranged, when executed, to cause one or more processors** (e.g., see *software engine 52*, *processor 40* FIG.2 & associated text; see *JVM* col.6:25-40) **to perform the steps of:**

- **in one time the application is executed, loading a class containing a pre-initialized static variable into a shared, read-only memory, said static variable being pre-initialized to contain the markup text** (e.g., see *programs, web pages, memory, subsequent use, shopping cart, first web page* col.2:67-col.3:15; see *update.txt, 'itemPrice', cache* col.10:11-37; see *Constants.class, Vector class, item ID, item price* col.18:40-50; see *static String variable* col.19:48-50; see *shopping cart, identities, prices, static variables* col.3:30-40; see *class ShopPanel, variables* col.15:10-col.16:6; see *app.class, Constants.class* col.17:37-52; see *Constants.class, Vector class, item ID, item price* col.18:40-50; see *static String variable* col.19:48-50); and
- **in subsequent time the application is executed, accessing the markup text in the shared, read-only memory** (e.g., see *programs, web pages, memory, subsequent use, shopping cart, first web page* col.2:67-col.3:15; see *shopping cart, static variables* col.3:30-40; see *frame, static variables, ShopPanel, shopping cart* col.16:19-61; see *size, sales Vector, Constants.class* col.18:60-65);


### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-212-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 14, 2004



TUAN DAM  
SUPERVISORY PATENT EXAMINER